



JAMES E. JOHNSON  
Corporation Counsel

The City of New York  
Law Department  
100 CHURCH STREET  
NEW YORK, NY 10007

CASSANDRA N. BRANCH  
Assistant Corporation Counsel  
Labor & Employment Law Division  
Phone: (212) 356-4074  
Fax: (212) 356-2439  
Email: cbranch@law.nyc.gov  
Email and Fax No. **Not** for Service of Papers

December 4, 2019

**BY ECF**

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

Re: *Warmin v. New York City Dep't of Educ., et al.*  
16 Civ. 8044 (KPF) (JLC)  
Our No. 2016-047056

Dear Judge Polk Failla:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced action. Defendants respectfully submit this letter to request that plaintiff's letter containing discovery demands, dated November 19, 2019, be sealed in order to protect the confidential information of a minor. *See* Docket Entry No. 66. Plaintiff has not responded to defendants' request for his consent on this issue.

Plaintiff *pro se* is a former probationary teacher employed by DOE<sup>1</sup>, and claims disability discrimination and retaliation in violation of the ADA, SHRL, and CHRL.<sup>2</sup> Defendants answered the Complaint on August 23, 2019, and the Court issued an order on October 17, 2019, setting forth the parties' discovery schedule. *See* Docket Entry No. 65. On November 19, 2019, plaintiff filed a letter containing his requests for the production of discoverable documents by defendants. *See* Docket Entry No. 66. In filing his discovery demands to the docket, plaintiff inadvertently disclosed the name of a DOE Special Education student whose records plaintiff seeks. *See id.* at 1.

---

<sup>1</sup> DOE is, formally, the Board of Education of the City School District of the City of New York.

<sup>2</sup> All references to "ADA" are to the Americans with Disabilities Act, 42 U.S.C. §§ 12112, *et seq.*; to "SHRL" are to the New York Human Rights Law, N.Y. Exec. L. §§ 290, *et seq.*; and to "CHRL" are to the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, *et seq.*

**HONORABLE KATHERINE P. FAILLA**

United States District Judge

*Warmin v. New York City Dep't of Educ., et al.*,

16 Civ. 0844

November 22, 2019

Page 2

The Federal Rules of Civil Procedure require that the names of minors be redacted from documents filed with courts, and federal regulations prohibit the disclosure of identifying student information. *See* Fed. R. Civ. P 5.2; Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g. Accordingly, the parties jointly request that plaintiff's November 19, 2019 letter be sealed in order to protect that student's identity and other confidential information.

The parties thank the Court for its consideration of this matter.

Respectfully submitted,

**[ECF]**                     /S/                    

Cassandra N. Branch  
Assistant Corporation Counsel

cc: Adam Warmin  
Plaintiff *Pro Se*  
(By ECF and Mail)

Application GRANTED. The Clerk of Court is directed to seal the letter appearing at docket entry 66.

Dated: December 5, 2019  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE